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8 Attorneys for HELEN and MARTIN YACK  
on behalf of themselves and all others similarly situated  
9

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA

12  
13 HELEN and MARTIN YACK on behalf of  
themselves and all others similarly situated,

14 Plaintiffs,

15 v.

16 WASHINGTON MUTUAL INC., SUNLAN-  
020105, LLC; SHERIFF'S DEPARTMENT,  
17 COUNTY OF LOS ANGELES,  
CALIFORNIA; CLERK'S OFFICE, COUNTY  
18 OF BUTTE, CALIFORNIA; and DOES 1-10,

19 Defendants.

) Case No.: 07-5858-PJH  
) **DECLARATION OF PAUL GROBMAN IN  
SUPPORT OF PLAINTIFFS' AND THEIR  
ATTORNEYS' OPPOSITION TO  
DEFENDANT WASHINGTON MUTUAL  
INC.'S MOTION FOR RULE 11  
SANCTIONS**

) Hearing:

) Date: July 23, 2008  
Time: 9:00 a.m.  
Courtroom: 3

) The Honorable Phyllis J. Hamilton

24 I, Paul S. Grobman, declare:

25 1. I am an attorney at law duly licensed to practice in the courts of New York state  
and am appearing as counsel for Plaintiffs Martin and Helen Yack in this matter *pro hac vice*. I  
have personal knowledge of the matters stated herein and, if called upon to do so, would and

1 could competently testify to the same.

2       2. After counsel for Defendant Washington Mutual Bank raised the fact that the  
3 Yacks had not disclosed these prospective claims in the bankruptcy proceeding, I contacted  
4 Tom Olson (the Yacks *pro bono* bankruptcy counsel) and advised him of the action filed in  
5 federal district court. Mr. Olson promptly moved to reopen the bankruptcy matter, which had  
6 been closed on November 16, 2007.

7       3. By Order dated April 28, 2008, the bankruptcy court reopened the Chapter 7 case  
8 “for the purpose of determining whether the estate should be substituted for the debtors” in the  
9 action pending in San Francisco. I have attached a true and correct copy of the April 27, 2008  
10 order as Exhibit A to my declaration.

11      4. On May 10, 2008, Mr. Olson filed a Motion to Request Abandonment of the  
12 Yack’s claims in this action pursuant to Rule 6007 of the Federal Bankruptcy Rules. I have  
13 attached a true and correct copy of the Motion to Request Abandonment as Exhibit B to my  
14 declaration.

15      5. On May 27, 2008, the bankruptcy trustee unequivocally advised Mr. Olson in  
16 writing that he did not object to the abandonment of the pending claims to the Yacks. I have  
17 attached a true and correct copy of a letter dated May 27, 2008 from the trustee as Exhibit C to  
18 my declaration.

19      6. Hours after the Yacks filed their opposition, the trustee abruptly reversed his  
20 commitment to the Yacks and withdrew his abandonment in a letter dated May 28, 2008. I have  
21 attached a true and correct copy of a letter dated May 28, 2008 from the trustee as Exhibit D to  
22 my declaration.

23      7. On May 29, 2008, the trustee filed his Affirmation in Opposition to the Motion to  
24 Abandon. I have attached a true and correct copy of the Response of Michael Dacquisto,  
25 Chapter 7 Trustee, to Motion to Compel Abandonment with Request to Consider Late Filed  
26 Opposition as Exhibit E to my declaration.

1 I declare under penalty of perjury under the laws of the State of California that the  
2 foregoing is true and correct, and this declaration was executed in New York, New York on  
3 June 27, 2008.

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5 \_\_\_\_\_ /s/ Paul S. Grobman  
6 PAUL S. GROBMAN  
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8

9 ATTESTATION  
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12 I, Dean D. Paik, am the ECF user whose ID and password are being used to file this  
13 declaration. In compliance with General Order No. 45X.B., I hereby attest that Paul S.  
14 Grobman executed the above declaration on June 20, 2008 at New York, New York.  
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13 \_\_\_\_\_ /s/ Dean D. Paik  
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